

REMARKS

Claim Amendments

Claim 1 is canceled and claim 2 has been rewritten in independent form, expressly including all the limitations of parent claim 1. No new limitations have been introduced to claim 2.

Claims 7-9, 13, and 15, which previously depended from claim 1, have been amended to depend from claim 2.

Claim Rejections - 35 USC § 103

Claims 1, 7-9, and 13 are rejected under 35 USC 103(a) as being unpatentable over US 5424789 (Volk). This rejection is mooted by the cancellation of claim 1 and amendment of claims 7-9 and 13 to depend from claim 2, now in independent form. Withdrawal of the rejection is respectfully requested.

Claims 2-6 and 14-16 are rejected under 35 USC 103(a) as being unpatentable over Volk in view of US 6359031 (Lashkeri et al.). This rejection is respectfully traversed for the following reasons.

Claim 2 requires “a display for generating an optical display image in response to a driver signal received by the display” and “a second deflection element arranged in the observation beam path for reflecting the display image of the patient’s eye into the observation beam path.” The Office Action states that Lashkeri et al. teaches an ophthalmic stereomicroscope comprising a display generating an optical display image in response to a driver signal, “wherein the displays 285 and 285’ generate an image to the observer 280 and 280’...”. However, displays 285 and 285’ of Lashkeri et al. are located in the observation paths (see Lashkeri et al. at Figs. 2, 3, and 10), and thus there is no “second deflection element” as claimed that is arranged in the observation beam path to reflect the display image into the observation beam path. The Office Action identifies mirrors 255 and 255’ of Lashkeri et al. as meeting the “second deflection element” limitation of claim 2, but the mirrors 255 and 255’ are prior to the displays 285 and 285’ in the observation beam paths and never receive the display images.

Claim 2 also requires “a first deflection element arranged in the observation beam path for diverting illuminating light reflected from the patient’s eye *out of the observation beam path*” (emphasis added). The Office Action identifies reflective surfaces 235 and 235’ of mirror assembly 230 in Lashkeri et al. as meeting the “first deflection element” limitation. Applicants respectfully disagree because surfaces 235 and 235’ simply serve to redirect the observation beam paths leading to observer 280, 280’. In other words, the light remains in optical paths 260, 260’.

For these reasons, the limitations of claim 2 are not met by the combination of Volk with Lashkeri et al. Allowance of claim 2, and claims 3-6 and 14-16 depending therefrom, is respectfully requested.

Claims 10-12 are rejected under 35 USC 103(a) as being unpatentable over Volk in view of Lashkeri et al. and further in view of US 2001/0010592 (Nakamura). This rejection is respectfully traversed for the following reasons.

The arguments set forth above regarding parent claim 2 are reiterated here for dependent claims 10-12.

Further, with specific regard to claims 11 and 12, it is noted that a shutter located between the display (element 285 of Lashkeri et al.) and the "second deflection element" (element 255) of Lashkeri et al. cannot be operable to selectively block the display image of the patient's eye as claimed because the display 285 faces away from element 255 in Lashkeri et al.

Accordingly, allowance of claims 10-12 is also sought.

Conclusion

The present application is thought to be in a condition for allowance, and favorable action is respectfully requested. If the Examiner has any questions, or the attorneys for applicant can assist in any way, the undersigned attorney may be contacted at the number provided below.

Respectfully submitted,
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